**02 American Constitution**

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The battle over SCHIP illustrates the interplay between the U.S. Constitution and contemporary politics.

**The Constitutional Environment for Policymaking**

**Agenda Building**

* Constitutional principles often define issues during the agenda setting stage of the policymaking process. For example, because of the Constitution, Americans debate the role of religion in public life from the perspectives of the First Amendment, considering both the constitutional guarantee of free exercise of religion and the prohibition against an establishment of religion.

**Policy Formulation and Adoption**

* The Constitution limits the policy options available to policymakers during the policy formulation stage to those policy approaches that are consistent with the Constitution. Policies designed to control illegal immigration must be formulated to pass constitutional scrutiny because the Constitution protects all persons in the United States, not just citizens.
* The Constitution sets the ground rules for policy adoption. Legislative policies require passage by both houses of Congress and the signature of the president. The Constitution also establishes procedures, either explicitly or implicitly, for the adoption of policies through treaties, constitutional amendments, executive orders, judicial decisions, and rulemaking by government agencies.

**Policy Implementation and Evaluation**

* The Constitution influences the implementation of policy. At the national level of government, policy implementation is primarily the responsibility of the executive branch. State and local governments also participate in policy implementation because of the federal system.
* Finally, the Constitution affects policy evaluation. The separation of powers system with checks and balances ensures that each branch of government can evaluate policies adopted by the other branches. Congress oversees policy implementation by the executive branch. The judicial branch evaluates policies adopted by the other branches by interpreting laws and reviewing the constitutionality of executive and legislative policies.

**Key Terms**

**Antifederalists**

Americans opposed to the ratification of the new Constitution because they thought it gave too much power to the national government

**Bicameral Legislature**

a two-house legislature

**Bill of Attainder**

a law declaring a person or a group of persons guilty of a crime and providing for punishment without benefit of a judicial proceeding

**Bill of Rights**

the first ten amendments to the U.S. Constitution

**Checks And Balances**

the overlapping of the powers of the branches of government designed to ensure that public officials limit the authority of each other

**Constitution**

the fundamental law by which a state or nation is organized and governed, and to which ordinary legislation must conform

**Constitutional Amendment**

a formal, written change or addition to the nation's governing document

**Democracy**

a system of government in which ultimate political authority is vested in the people

**Direct Democracy**

a political system in which the citizens vote directly on matters of public concern

**Due Process of Law**

the constitutional principle holding that government must follow fair and regular procedures in actions that could lead to an individual's suffering loss of life, liberty, or property

**Equal Protection Clause**

a provision of the Fourteenth Amendment of the U.S. Constitution that declares that No State shall . . . deny to any person within its jurisdiction the equal protection of the laws

**Ex Post Facto Law**

a retroactive criminal statute that operates to the disadvantage of accused persons

**Executive Power**

the power to enforce laws

**Factions**

special interests who seek their own good at the expense of the common good

**Federalist Papers**

a series of essays written by James Madison, Alexander Hamilton, and John Jay advocating the ratification of the Constitution

**Federalists**

Americans who supported the ratification of the Constitution

**Federation/Federal System**

a political system that divides power between a central government, with authority over the whole nation, and a series of state governments

**Judicial Power**

the power to interpret laws

**Judicial Review**

the power of courts to declare unconstitutional the actions of the other branches and units of government

**Legislative Power**

the power to make laws

**Limited Government**

the constitutional principle that government does not have unrestricted authority over individuals

**Parliament**

the British legislature

**Parliamentary System**

a system of government in which political power is concentrated in a legislative body and a cabinet headed by a prime minister

**Power of The Purse**

the authority to raise and spend money

**Representative Democracy/Republic**

a political system in which citizens elect representatives to make policy decisions on their behalf

**Rule of Law**

the constitutional principle that holds that the discretion of public officials in dealing with individuals is limited by the law

**Separation of Powers**

the division of political power among executive, legislative, and judicial branches

**Sovereignty**

the authority of a state to exercise its legitimate powers within its boundaries, free from external interference

**Supermajority**

a voting margin that is greater than a simple majority

**Tyranny of The Majority**

the abuse of the minority by the majority

**Unicameral Legislature**

a one-house legislature

**Writ of Habeas Corpus**

a court order requiring government authorities either to release a person held in custody or demonstrate that the person is detained in accordance with law

**Discussion Questions**

1. What influence did European political philosophers have on the Americans who wrote the Declaration of Independence and the Constitution?

2. Why did Madison and the other framers of the Constitution adopt separation of powers with checks and balances? Give several examples of checks and balances found in the Constitution.

3. What steps must be taken to propose and ratify amendments to the Constitution?

4. How does the Constitution change through practice and experience? Give an example. How does the Constitution change through judicial interpretation? Give an example.

5. What impact do separation of powers with checks and balances, bicameralism, and federalism have on the policymaking process?

**Interactive Activity**

**Simulation: You Are Proposing a Constitutional Amendment**

Every year since the path-breaking women’s rights meetings at Seneca Falls in 1923, an Equal Rights Amendment (ERA) for women has been proposed in Congress, but it has always failed to pass. In this simulation, the year is 1972, and you are a Senator from New York and a key sponsor of the ERA. Will you be able to garner enough support to successfully amend the United States Constitution? Or will your amendment become just one of many proposals that have failed to secure ratification?

[View Simulation](http://media.pearsoncmg.com/long/long_longman_media_1/2008_raised/Player/sim.youareproposingaconstamend.html)

**“Talking About American Government” Podcasts**

Author Neal Tannahill discusses the most important concepts in this chapter

* [Democracy](http://abavtooldev.pearsoncmg.com/VPStreaming/audio.php?clipID=ab_amgov_think_tennahill/ch02_democracy.mp3)
* [Representative Democracy](http://abavtooldev.pearsoncmg.com/VPStreaming/audio.php?clipID=ab_amgov_think_tennahill/ch02_representative_democracy.mp3)
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* [The Bill of Rights](http://abavtooldev.pearsoncmg.com/VPStreaming/audio.php?clipID=ab_amgov_think_tennahill/ch02_bill_of_rights.mp3)
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